

IFW

CERTIFICATE OF MAILING

I hereby certify that the below listed items are being deposited with the U.S. Postal Service as first class mail in an envelope addressed to:

**Mail Stop: Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**

on March 15, 2005

J. Pomonis
Jennifer Pomonis

In Re Application of:

Cox et al

Group Art Unit: 1755

Serial No.: 10/800,780

Examiner: Paul Marcantoni

Filed: March 15, 2004

Docket No.: 010350-1020

For: Calcium Sulphate-Based Compositions and Methods of Making Same

The following is a list of documents enclosed:

- Return Postcard
- Request for Reconsideration of Information Disclosure Statements (IDSs)
- Copy of all IDS Material Previously Mailed June 2, 2004
- Copy of all IDS Material Previously Mailed December 8, 2004

Further, the Commissioner is authorized to charge Deposit Account No. 20-0778 for any additional fees required. The Commissioner is requested to credit any excess fee paid to Deposit Account No. 20-0778.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Cox et al.

Serial No.: **10/800,780**

Filed: **March 15, 2004**



Confirmation No.: **9200**

Group Art Unit: **1755**

Examiner: **Paul Marcantoni**

Docket No. **010350-1020**

For: **Calcium Sulphate-Based Compositions and Methods of Making Same**

**REQUEST FOR RECONSIDERATION OF PREVIOUSLY-FILED
INFORMATION DISCLOSURE STATEMENTS**

Mail Stop: Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

At the request of the Examiner, Applicants hereby respectfully request reconsideration of the IDSs enclosed herewith before issuance of the instant patent application.

A Notice of Allowance has been issued in the instant patent application. Upon review of the file history, Applicants discovered that the information disclosure statements (IDSs) filed by Applicants on June 2, 2004 and December 8, 2004 have not been initialed by the Examiner.

AUTHORIZATION TO DEBIT ACCOUNT

It is believed that no extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to deposit account no. 20-0778.

REMARKS

Applicants submit that the information disclosure statements (IDSs) submitted herewith should be considered and initialed by the Examiner before issuance of the patent application. Both IDSs re-submitted herewith were timely filed.

Telephone Interview with Examiner

Applicants greatly appreciate the time that Examiner Marcantoni spent with Applicants' representative Cynthia Lee on March 15, 2005. In the interview, the Examiner indicated that Applicants should resubmit the instant IDSs, along with an explanation of the relevant events, before the deadline for the payment of the issue fee. Applicants have hereby complied with Examiner's request and submit the following remarks.

IDS No. 1

The first IDS ("IDS No. 1") was submitted on June 2, 2004. No fee was due for IDS No. 1, as it was filed within three months of the filing date of the patent application. IDS No. 1 documents included a postcard, which was returned to Applicants with a U.S. Patent and Trademark Office (USPTO) stamp of June 7, 2004. A copy of IDS No. 1 and the stamped returned postcard are attached hereto. However, a review of the online PAIR system does not reveal any record of receipt of IDS No. 1. Further, in the first Office Action mailed by the Examiner on August 26, 2004 did not include an initialed version of IDS No.1. Likewise, the Notice of Allowance mailed by the Examiner on December 17, 2004 did not include an initialed version of IDS No.1.

Applicants respectfully request that the claims be reviewed in view of the IDS No. 1 and that a Supplemental Notice of Allowance be issued.

IDS No. 2

The second IDS ("IDS No. 2") was submitted on December 8, 2004. No fee was due for IDS No. 2, as it was filed within three months of the receipt of the documents cited in a corresponding Patent Cooperation Treaty (PCT) patent application. IDS No. 2 was accompanied by the appropriate Statement Under 37 CFR 1.97(e). IDS No. 2 documents included a postcard,

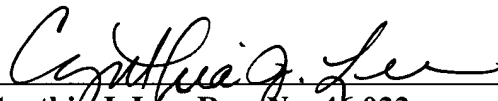
which has not yet been returned to Applicants. A copy of IDS No. 2 and the submitted postcard are attached hereto. However, a review of the online PAIR system does reveal receipt of IDS No. 2. The Notice of Allowance mailed by the Examiner on December 17, 2004 did not include an initialed version of IDS No. 2.

Applicants respectfully request that the claims be reviewed in view of the IDS No. 2 and that a Supplemental Notice of Allowance be issued.

CONCLUSION

Favorable reconsideration and allowance of the present application and all pending claims in view of IDS Nos. 1 and 2 are hereby courteously requested. If, in the opinion of the Examiner, a telephone conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,


Cynthia J. Lee, Reg. No. 46,033

**THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.**
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500



Serial No.: 10/800/780

Patent No.:

Applicant: Cox et al

Title: Calcium Sulphate-Based Compositions and Methods of Making Same

Docket No.: 010350-1020

EM No.:

Filed: March 15, 2004

Issued:

C/M Date: 12.08.04

Due Date: 01.08.05

PATENT AND TRADEMARK OFFICE
STAMP HEREON ACKNOWLEDGES
RECEIPT OF THE BELOW IDENTIFIED
PAPERS:

Cert. of Mailing: ☒ Regular US Mail
☐ Express Mail

Fees ☐ \$0.00

Pymt
Form ☐

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☐ Dep. Acct: 20-0778

☐ Credit Card Paym't Form

☐ Fee Transmittal Page

☐ RCE Application Transmittal Pg.

☐ Missing Parts Response

☐ Copy of Missing Parts Notice

☐ Resp. Incomplete Application Papers

☐ Copy - Not. Incomplete Appl. Papers

☐ Declaration & Power of Attorney

☐ Preliminary Amendment

☐ Small Entity Status Claimed

☒ IDS/Form 1449

☒ Cited Reference(s) (4)

☐ Assignment/Assign't Cover Sheet

☐ Terminal Disclaimer

☐ Amendment Transmittal Page

☐ Amendment: ☐ Restriction

☐ Non-Final ☐ Final

☐ After Not. Allow ☐ Unentered

☐ Response to Advisory Action

☐ Petition for EOT to:

☐ Claim of Priority & Sub. Cert. Copy
of Foreign Application

☒ Other: Statement Under 37 C.F.R. 1.97(e); Copy of International Search
Report

USPTO STAMP

☐ Request to Rescind Non-Pub.
☐ Petition to Make Special
☐ Status Inquiry (in duplicate)
☐ Notice of Appeal
☐ Appeal Brief (in Triplicate)
☐ Request for Refund
☐ Request for Correction F/R
☐ Notice of Continuation Applic.
☐ Issue Fee Trx. ☐ In Dupl.
☐ Sheets of Drawings
☐ Formal ☐ Informal
☐ Letter/Trx. To Draftsman
☐ Prior to NOA ☐ W/I NOA
☐ Request for Cert. Of Correct.
☐ Certificate of Correction x 2
☐ Maintenance Fee Transmittal
☐ 3.5 ☐ 7.5 ☐ 11.5
☐ in duplicate

Person Mailing: GFS

Responsible Atty: CJL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Cox et al.

Group Art Unit: 1755

Serial No.: 10/800,780

Examiner: Paul Marcantoni

Filed: March 15, 2004

Docket No. 010350-1020

Confirmation No.: 9200

For: Calcium Sulphate-Based Compositions and Methods of Making Same

STATEMENT UNDER 37 C.F.R. §1.97(e)

Mail Stop: Amendments
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The undersigned hereby certifies that either:

- ☒ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, or in a PCT Application, not more than three months prior to the filing of the Information Disclosure Statement, or
- ☐ No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign office in a counterpart foreign application, and to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

Respectfully Submitted,

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**By: Cynthia J. Lee

Cynthia J. Lee, Reg. No. 46,033

100 Galleria Parkway, Suite 1750
Atlanta, Georgia 30339-5948
770-933-9500

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 12.08.04

Gloria Simmons
Gloria Simmons

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Cox et al.

Confirmation No.: 1900

Group Art Unit: 1755

Examiner: Paul Marcantoni

Docket No.: 010350-1020

Serial No.: 10/800,780

Filed: March 15, 2004

For: Calcium Sulphate-Based Compositions and Methods of Making Same

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This information disclosure statement is filed in accordance with 37 C.F.R. §§ 1.56, 1.97, and 1.98, and specifically:

- ☐ under 37 CFR 1.97(b), or
(within Three months of filing national application; or date of entry of international application; or before mailing date of first office action on the merits; whichever occurs last)
- ☒ under 37 CFR 1.97(c) together with either a:
☒ Statement Under 37 C.F.R. 1.97(e), or
☐ a \$180.00 fee under 37 CFR 1.17(p), or
(After the CFR 1.97(b) time period, but before the final office action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with a:
☐ Statement under 37 CFR 1.97(e), and
☐ a \$180.00 petition fee set forth in 37 CFR 1.17(p).
(Filed after final office action or notice of allowance, whichever occurs first, but before payment of the issue fee)

Enclosed is a check in the amount of \$

Enclosed is Credit Card Payment Form (PTO-2038) in the amount of \$

Please charge \$ to deposit account . At any time during the pendency of this application, please charge any fees required to Deposit Account pursuant to 37 CFR 1.25. The Commissioner is hereby requested to credit any overpayment to Deposit Account No. 20-0778.

- ☒ Applicant(s) submit herewith *Form PTO 1449A - Information Disclosure Statement by Applicant* together with copies (where required) of patents, publications or other information of which applicant(s) are aware, which applicant(s) believe(s) may or may not be material to the examination of this application and for which there may be a duty to disclose in accordance with 37 CFR 1.56. As required by 37 C.F.R. §1.98(a), a legible copy of each document is provided.
- ☐ A concise explanation of the relevance of foreign language patents, foreign language publications and other foreign language information listed on PTO Form 1449, as presently understood by the individual(s) designated in 37 CFR 1.56(c) most knowledgeable about the content is given on the attached sheet, or where a foreign language patent is cited in a search report or other action by a foreign patent office in a counterpart foreign application, an English language version of the search report or action which indicates the degree of relevance found by the foreign office is listed on the form PTO 1449 and is enclosed herewith.

The following rights are reserved by the Applicant(s): the right to establish the patentability of the claimed invention over any of the listed documents should they be applied as reference, and/or the right to prove that some of these documents may not be prior art, and/or the right to prove that some of these documents may not be enabling for the teachings they purport to offer.

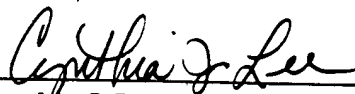
This statement should not be construed as a representation that an exhaustive search has been made, or that information more material to the examination of the present application does not exist. Any statements or identifications regarding the relevance of any portion(s) of cited references should not be construed as a representation that the most relevant portion(s) have been identified, and the absence of such statements or identifications should not be construed as representations that there are no relevant portion(s). The Examiner is specifically requested not to rely solely on the materials submitted herewith. The Examiner is requested to conduct an independent and thorough review of the documents, and to form independent opinions as to their significance.

It is requested that the information disclosed herein be made of record in this application and that the Examiner initial and return a copy of the enclosed PTO-1449 to indicate the documents have been considered.

Respectfully Submitted,

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**

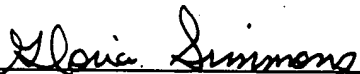
By:


Cynthia J. Lee, Reg. No. 46,033

100 Galleria Parkway, Suite 1750
Atlanta, Georgia 30339-5948
770-933-9500

CERTIFIED MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as "First Class Mail," in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 12.08.04


Signature

Form PTO-1449

INFORMATION DISCLOSURE CITATION*(Use several sheets if necessary)*Attorney Docket No.
010350-1020Serial No.
10/800,780Applicant
Cox et al.Filing Date
March 15, 2004Group
Not yet assigned**U.S. PATENT DOCUMENTS**

Examiner Initials	Item	Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
	A	5,015,499	05/14/91	Koslowski	423	172	05/22/87
	B	5,015,450	05/14/91	Koslowski	423	172	05/22/87
	C	5,562,892	10/08/96	Kirk et al.	423	555	01/26/95
	D						
	E						
	F						
	G						
	H						
	I						
	J						
	K						
	L						
	M						
	N						
	O						
	P						
	Q						

FOREIGN PATENT DOCUMENTS

	Document Number	Date	Country	Class	Subclass	Translation	
						Yes	No
	DE 2049028 A	04/08/71	Germany	C 04	11/02		X

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

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* EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

EXAMINER'S SIGNATURE:

DATE CONSIDERED:

Form PTO-1449

Attorney Docket No.
010350-1020Serial No.
10/800,780**INFORMATION DISCLOSURE CITATION**Applicant
Cox et al.Filing Date
March 15, 2004Group
Not yet assigned

(Use several sheets if necessary)

U.S. PATENT DOCUMENTS

Examiner's Initials	Item	Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
	A	1,901,051	03/14/33	W.S. Randel et al.			08/08/29
	B	2,448,218	08/31/48	Haddon	106	111	12/17/42
	C	2,913,308	11/17/59	Dailey et al.	23	122	07/07/53
	D	3,437,330	04/08/69	H.K. Worner	263	53	11/26/65
	E	3,797,758	03/19/74	Cherdron et al.	241	29	06/16/72
	F	3,820,970	06/28/74	Watkins	71	1	12/27/72
	G	3,906,083	09/16/75	George	423	555	05/11/72
	H	4,091,080	05/23/78	Kosugi et al.	423	555	10/17/75
	I	4,120,737	10/17/78	Berrie et al.	106	109	05/03/74
	J	4,173,610	11/06/79	Huller et al.	264	28	12/24/76
	K	4,309,391	01/05/82	O'Neill	423	172	12/03/80
	L	4,377,414	03/22/83	Buschmann et al.	106	85	09/04/80
	M	4,569,831	02/11/86	Cohen	423	171	04/01/85
	N	5,015,499	05/14/91	Koslowski	423	172	05/22/87
	O	5,015,450	05/14/91	Koslowski	423	172	05/22/87
	P	5,093,093	03/03/92	Koslowski	423	171	05/10/89
	Q	5,169,617	12/08/92	Clemens et al.	423	555	02/19/90

FOREIGN PATENT DOCUMENTS

Document Number	Date	Country	Class	Subclass	Translation
					Yes No

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

* EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.	
EXAMINER'S SIGNATURE:	DATE CONSIDERED:

Form PTO-1449

Attorney Docket No.
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10/800,780Applicant
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March 15, 2004Group
Not yet assigned**INFORMATION DISCLOSURE CITATION**

MAR 17 2005

(Use several sheets if necessary)

U.S. PATENT DOCUMENTS

Examiner Initials	Item	Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
	R	5,248,487	09/28/93	Bold, et al.	473	171	03/21/87
	S	5,362,471	11/08/94	Roth, et al.	423	555	09/27/91
	T	5,437,850	08/01/95	Kroehl, et al.	423	171	03/25/91
	U	5,562,892	10/08/96	Kirk, et al.	423	555	01/26/95
	V	6,054,101	04/25/00	Langfeldt, et al.	422	142	02/19/96
	W	6,083,465	07/04/00	Piasecki, et al.	423	171	03/11/99
	X	US 2002/0164281 A1	11/07/02	Sethuraman, et al.	423	555	05/01/01

FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Subclass	Translation	
							Yes	No

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

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EXAMINER'S SIGNATURE:

DATE CONSIDERED: